

1
2 HEATHER C. YAKELY, #28848
3 EVANS, CRAVEN LACKIE, P.S.
4 W. 818 Riverside
5 Suite 250, Lincoln Building
6 Spokane, WA 99201
7 (509) 455-5200
8 hyakely@ecl-law.com
9 Attorneys for Defendants
10
11
12
13
14

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF WASHINGTON
13

15 SHAUN L. ROCKSTROM,

16 Plaintiff,
17

18 vs.

19 SPOKANE COUNTY,
20 WASHINGTON, DEPUTY
21 SAMUEL TURNER; DEPUTY
22 CHAD EATON; and DEPUTY
23 MICHAEL KEYS.
24

25 Defendants.
26

NO.:

Spokane County Superior Court
Cause No.: 18-2-02413-1

CERTIFICATE OF HEATHER C.
YAKELY

27 I, Heather C. Yakely, certify under penalty of perjury under the laws of the
28 United States and the State of Washington that the following is true and correct to
29 the best of my knowledge:
30

CERTIFICATE OF HEATHER C. YAKELY
- page 1

Evans, Craven & Lackie, P.S.
818 W. Riverside, Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

1 I am the attorney of record for Defendants in the above-entitled matter and
2 am competent to testify to the facts set forth herein;
3

4 Attached as Exhibit A is a true and correct copy of the Summons and the
5 Complaint and which was filed on June 1, 2018, and served on Defendant Spokane
6 County on or about June 1, 2018.
7


8 Attached as Exhibit B is a true and correct copy of the Case Assignment
9 Notice and Order filed on June 1, 2018;
10

11 Attached as Exhibit C is a true and correct copy of the Notice of Appearance
12 for Defendants, filed with the Court on June 11, 2018;
13

14 Attached as Exhibit D is a true and accurate copy of the Notice of
15 Unavailability of Counsel for Defendants filed with the Court on June, 11, 2018.
16

17 DATED this 15 day of June, 2018.
18

19 EVANS, CRAVEN & LACKIE, P.S.
20

21 By: 
22 HEATHER C. YAKELY, #28848
23 Attorneys for Defendants
24
25
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30 CERTIFICATE OF HEATHER C. YAKELY
- page 2

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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 15 day of June, 2018, the foregoing was delivered to the following persons in manner indicated:

Richard D. Wall
Richard D. Wall, P.S.
Attorney at Law
1604 W. Dean
Spokane, WA 99201

Via Regular Mail
Via Certified Mail
Via Facsimile
Hand Delivered

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<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>



Adrien Plummer, Legal Assistant to
HEATHER C. YAKELY

CERTIFICATE OF HEATHER C. YAKELY

- page 3

Evans, Craven & Lackie, P.S.
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Exhibit A

RECEIVED

JUN 01 2018

SPOKANE COUNTY AUDITOR

SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

SHAUN L. ROCKSTROM,

Plaintiff,

v.

SPOKANE COUNTY, WASHINGTON.
DEPUTY SAMUEL TURNER, DEPUTY
CHAD EATON, and DEPUTY MICHAEL
KEYS,

Defendants

Civil Action

Case No.:

SUMMONS

18202413-1

COPY
Original Filed

JUN 01 2018

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

To the Defendants: A lawsuit has been started against you in the above entitled court by Plaintiff Shaun Rockstrom. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within 20 days, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to rule 4 of the Superior Court Rules of the State of Washington.


Richard D. Wall, WSBA#16581

Plaintiff's Attorney

1604 W. Dean

Spokane, WA 99201

Tel: (509) 747-5646

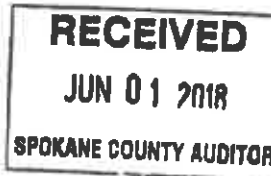
Fax: (509) 747-5692

SUMMONS

- 1

Richard D. Wall, P.S.
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Spokane, WA 99201
(509) 747-5646

1 Richard D. Wall, P.S.
2 Attorney at Law
3 1604 W. Dean
4 Spokane, WA 99201
5 Tel: (509) 747-5646
6 Fax: (509) 747-5692



DT.
9:24 AM

COPY
Original Filed
JUN 01 2018
Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR THE COUNTY OF SPOKANE

9 SHAUN L. ROCKSTROM,

10 Plaintiffs,

11 vs.

12 SPOKANE COUNTY, WASHINGTON.
13 DEPUTY SAMUEL TURNER, DEPUTY
14 CHAD EATON, and DEPUTY MICHAEL
15 KEYS,

16 Defendants.

Case No.:

COMPLAINT

18202413-1

17 Plaintiff by way of Complaint against the defendants named herein, state and allege as
18 follows:

19 JURISDICTION AND VENUE:

20
21 1. Jurisdiction and venue are proper in this court because one or more of the
22 defendants resides in Spokane County, Washington, and the acts and/or omissions giving rise to
23 this action occurred in Spokane County, Washington. A Notice of Claim was presented to
24 Spokane County Risk Management and more than 60 days has passed since the claim was
25 presented.
26
27
28

COMPLAINT

- 1

Richard D. Wall, P.S.
Attorney at Law
1604 W. Dean
Spokane, WA 99201
(509) 747-5646

PARTIES:

2. Plaintiff is a citizen of the United States of America and a resident of Spokane County, Washington.

3. Defendant SPOKANE COUNTY is a political subdivision of the State of Washington. The Spokane County Sheriff's Department is responsible for providing law enforcement services within Spokane County.

4. Defendants TURNER, EATON, and KEYS were at all times relevant hereto employees of the Spokane County Sheriff's Department. All acts and/omissions by Defendants, TURNER, EATON, and KEYS as alleged herein were performed during the course of their employment and within the scope of their duties as officers of the Spokane County Sheriff's Department.

FACTS:

5. On or about February 5, 2016, Plaintiff was standing outside the WINCO grocery store on Sprague Avenue in Spokane Valley, Washington, after being asked to leave the store. Plaintiff had been standing there for 2 to 3 minutes when Defendants TURNER, EATON and KEYS arrived.

6. One of the Deputies approached Plaintiff and told him to leave. Before Plaintiff could leave, however, another of the Deputies walked up to Plaintiff and asked him for identification. Plaintiff responded that he had just been told to leave by another deputy and then asked if he was under arrest. The Deputy did not respond.

7. As he had not been told that he was under arrest or was otherwise not free to leave, Plaintiff started to walk away. At that point, one of the Deputies grabbed Plaintiff and threw him violently to the ground. Two of the Deputies then held Plaintiff down on the ground

1 in a defenseless position and allowed the other Deputies to repeatedly strike Plaintiff, including
2 punching Plaintiff on his face and head. Plaintiff did not at any time threaten to harm or attempt
3 to harm any of the deputies.

4
5 8. The Deputies continued to beat Plaintiff while he was on the ground, eventually
6 placing him in handcuffs and leg restraints. At no time did Plaintiff unlawfully refuse to comply
7 with any lawful commands or resist arrest.

8
9 9. The unlawful assault upon Plaintiff by Deputies TURNER, EATON and KEYS,
10 took place in an area open to the public and in full view of persons going to and coming from
11 inside the store. Several citizens witnesses the assault from only a few feet away.

12
13 10. After Plaintiff had been handcuffed and placed in leg restraints, he was dragged to
14 an area of the store away from public view. The Deputies also placed a bag over Plaintiff's head
15 to conceal the injuries they had inflicted. Portions of the incident were captured by store
16 surveillance cameras.

17
18 11. As a result of the assault, Plaintiff sustained sever lacerations and contusions to
19 his face and head. Plaintiff was taken to the Emergency at Spokane Valley Hospital where he
20 was treated. Plaintiff suffered severe physical pain and suffering as well as severe
21 embarrassment and humiliation as a result of the actions of the Defendants.

22
23 12. The incident was investigated by Sergeant Justin Elliott of the Sheriff's
24 Department. Sgt. Elliott determined that the use of force by Deputies TURNER, EATON and
25 KEYS was objectively reasonable under the circumstances despite being aware of facts
26 indicating that the force used was clearly excessive. On information and belief, the Spokane
27 County Sheriff's Department routinely finds that the use of force by its officers is objectively
28 reasonable without regard to whether that conclusion is supported by the known facts. The

COMPLAINT

- 3

Richard D. Wall, P.S.
Attorney at Law
1604 W. Dean
Spokane, WA 99201
(509) 747-5646

1 failure of the Spokane County Sheriff's Department to adequately train, supervise and discipline
2 officers of the Spokane County Sheriff's Department who unlawfully use force against civilians
3 demonstrates reckless disregard for the safety and well-being of the citizens of Spokane County.
4

5 **CAUSES OF ACTION:**

6 **Negligence**

7 13. Defendants' conduct as alleged herein constitutes a breach of the duty of care
8 owed toward Plaintiff, which breach was the direct and proximate cause of injury to Plaintiff.
9 Defendants are liable for all injuries suffered by Plaintiff as a result of said breach.
10

11 **Respondeat Superior**

12 14. Spokane County is liable to Plaintiff under state law for all damages proximately
13 resulting from the acts and/or omissions of Defendants TURNER, EATON and KEYS under the
14 doctrine of Respondeat Superior.
15

16 **Excessive Force**

17 15. The conduct of Defendants TURNER, EATON and KEYS constitutes a violation
18 of Plaintiff's civil right under the Constitution of the United States to be free from the use of
19 excessive force by persons acting under color of state law. Defendants and each them are liable
20 to Plaintiff under 42 U.S.C. § 1983 for all damages sustained by Plaintiff as a result of
21 Defendants' use of excessive and unnecessary force.
22

23 **Liability of Spokane County**

24 16. Defendant SPOKANE COUNTY is liable to Plaintiff for all damages sustained as
25 the result of the actions of Defendants TURNER, EATON and KEYS due to the failure to
26 adequately train, supervise, and discipline officers within the Spokane County Sheriffs
27 Department, which failure was a direct and proximate cause of injuries to Plaintiff.
28

COMPLAINT

PRAYER FOR RELIEF:

WHEREFORE plaintiff prays for the following relief:

For an award of special and general damages in an amount to be proved at trial;

For an award of punitive damages against each of the defendants in an amount to be determined at trial;

For reasonable costs and attorney fees incurred in bringing the present action; and

For such further legal and equitable relief as to the court appears just.

Dated this 31st day of May, 2018.



Richard D. Wall, WSBA#16581
Attorney for Plaintiff

Exhibit B

EVANS, CRAVEN & LACKIE, P.S.
RECEIVED

JUN 14 2018

10:36

(Copy Receipt)	Clerk's Date Stamp
 SUPERIOR COURT OF WASHINGTON COUNTY OF SPOKANE	JUDGE RAYMOND F. CLARY 94
ROCKSTROM, SHAUN	CASE NO. 2018-02-02413-1
Plaintiff(s)/Petitioner(s), vs. TURNER, DEPUTY SAMUEL ETAL	CASE ASSIGNMENT NOTICE AND ORDER (NTAS)
Defendant(s)/Respondent(s).	CASE STATUS CONFERENCE DATE: SEPTEMBER 7, 2018 AT 9:00 AM

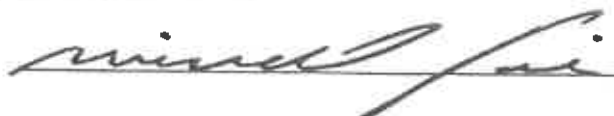
ORDER

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon two days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <http://www.spokanecounty.org/1140/Superior-Court>

DATED: 06/01/2018



MICHAEL P. PRICE
PRESIDING JUDGE

NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).

Exhibit C

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

SHAUN L. ROCKSTROM,

Plaintiff,

vs.

SPOKANE COUNTY, WASHINGTON,
DEPUTY SAMUEL TURNER; DEPUTY
CHAD EATON; and DEPUTY MICHAEL
KEYS.

Defendants.

No. 18-2-02413-1

SPECIAL NOTICE OF
APPEARANCE FOR
DEFENDANTS

TO: SHAUN L. ROCKSTROM, Plaintiff

AND TO: RICHARD D. WALL, Attorney for Plaintiff

COMES NOW Defendant, SPOKANE COUNTY, SAMUEL TURNER; CHAD
EATON and MICHAEL KEYS and herewith enters an appearance in the above-entitled action
through HEATHER C. YAKELY, of Evans, Craven & Lackie, P.S., attorneys of record, and
requests that all further pleadings herein, exclusive of process, be served upon said attorneys at
their office address stated below:

SPECIAL NOTICE OF APPEARANCE ON BEHALF OF
DEFENDANTS
page 1

Evans, Craven & Lackie, P.S.
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Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

1 Heather C. Yakely
2 Evans, Craven & Lackie, P.S.
3 818 W. Riverside, Suite 250
4 Spokane, WA 99201
5 509-455-5200
6 Hyakely@eccl-law.com

7 The Defendants hereby specifically reserve all defenses as to lack of jurisdiction,
8 improper venue, insufficiency of process or any other defenses available to these Defendants.

9 DATED THIS 11 day of June, 2018.

10 EVANS, CRAVEN & LACKIE, P.S.

11
12 By 

13 HEATHER C. YAKELY, #28848
14 Attorneys for Defendants
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29 SPECIAL NOTICE OF APPEARANCE ON BEHALF OF
30 DEFENDANTS
page 2


Evans, Craven & Lackie, P.S.
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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 11 day of June, 2018, the foregoing was delivered to the following persons in manner indicated:

Richard D. Wall
Richard D. Wall, P.S.
Attorney at Law
1604 W. Dean
Spokane, WA 99201

Via Regular Mail ☐
Via Certified Mail ☐
Via Facsimile ☐
509-232-7762
Hand Delivered ☒


Adrien Plummer, Legal Assistant to
HEATHER C. YAKELY

SPECIAL NOTICE OF APPEARANCE ON BEHALF OF
DEFENDANTS
page 3

Evans, Erwin & Lockie, P.C.
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Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

Exhibit D

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

SHAUN L. ROCKSTROM,

Plaintiff,

vs.

SPOKANE COUNTY, WASHINGTON,
DEPUTY SAMUEL TURNER; DEPUTY
CHAD EATON; and DEPUTY MICHAEL
KEYS.

Defendants.

No. 18-2-02413-1

NOTICE OF UNAVAILABILITY
FOR COUNSEL FOR
DEFENDANTS

PLEASE TAKE NOTICE that the undersigned counsel for the Spokane County
Defendants will be unavailable on the following dates:

July 6, 2018 to August 14 2018.

Counsel respectfully requests that no hearings be scheduled and that no motions,
discovery requests, or other documents that require a response be served on the undersigned
during the above time periods.

DATED THIS 11 day of June, 2018.

EVANS, CRAVEN & LACKIE, P.S.



HEATHER C. YAKELY, #28848
Attorneys for Defendants

NOTICE OF UNAVAILABILITY OF COUNSEL
page 1

Evans, Craven & Lackie, P.S.
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Adrien Plummer, Legal Assistant to
HEATHER C. YAKELY

NOTICE OF UNAVAILABILITY OF COUNSEL
page 2

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